

RODNEY D. JONES,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:06CV1225 CDP
)	
TROY STEELE,)	
)	
Respondent.)	

I have conducted a *de novo* review of all matters relevant to the petition (including the grounds as to which there was no objection), and conclude that the petition should be denied for the reasons stated by Judge Buckles. Petitioner's trial counsel was not ineffective, and Judge Buckles correctly and completely

analyzed the record and the law. I will therefore adopt and sustain the thorough reasoning of Judge Buckles.

I have also considered whether to issue a certificate of appealability. To grant a certificate of appealability, the Court must find a substantial showing of the denial of a federal constitutional right. See Tiedeman v. Benson, 122 F.3d 518, 522 (8th Cir. 1997). A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings. Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (citing Flieger v. Delo, 16 F.3d 878, 882-83 (8th Cir. 1994)). Because petitioner has not made such a showing, I will not issue a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of United States Magistrate Judge Frederick R. Buckles [#18] is sustained, adopted, and incorporated herein.

IT IS FURTHER ORDERED that the petition of Rodney D. Jones for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [#1] is denied

IT IS FURTHER ORDERED that as Jones has not made a substantial showing of the denial of a constitutional right, this Court will not issue a certificate of appealability.

A separate judgment in accordance with this memorandum and order is entered this same date.

A handwritten signature in cursive script, reading "Catherine D. Perry".

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of September, 2009.